

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

RICHARD A. MCBRAYER, #235965,

Petitioner,

CIVIL NO. 04-CV-73235-DT

v.

HONORABLE LAWRENCE P. ZATKOFF

HUGH WOLFENBARGER,

Respondent.

FILED  
AUG 27 2004  
CLERK'S OFFICE  
DETROIT

**ORDER REQUIRING RESPONSIVE PLEADING**

The petition for a writ of habeas corpus has been examined. It is not subject to summary dismissal under Rule 4, Rules Governing Section 2254 Cases.

**IT IS ORDERED** that the Clerk of the Court serve a copy of the petition and a copy of this Order on Respondent and on the Attorney General for the State of Michigan by certified mail as provided in Rule 4.

**IT IS FURTHER ORDERED** that Respondent file an answer responding to the allegations of the petition in accordance with Rule 5 by **MARCH 3, 2005**. As part of the answer, Respondent may raise claims that petitioner: (1) has not exhausted his/her habeas issues; (2) may not obtain federal review because of a procedural default; (3) has filed a successive petition; and/or (4) is barred for any other procedural reason from seeking federal habeas review.

**IT IS FURTHER ORDERED** that, as part of the answer, Respondent shall file with the Clerk a copy of any prior decision, pleading, brief and/or transcript needed to adjudicate the issues presented. A separate index listing the materials being submitted shall also be filed.

*Paul J. Komives*

PAUL J. KOMIVES  
UNITED STATES MAGISTRATE JUDGE

DATED: Aug 26, 2004

**CERTIFICATION**

I certify that, on the date indicated below, I arranged for service as provided above, and I mailed a copy of this order to petitioner.

Dated: 8/27/04

*Deputy Clerk*

04-73235  
Zatkoff.

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

1791 5554 0007 0000 1940 7002 1940 1807

**OFFICIAL USE**

Postage	\$ _____	Postmark Here
Certified Fee	_____	
Return Receipt Fee (Endorsement Required)	_____	
Restricted Delivery Fee (Endorsement Required)	_____	

**Total** \_\_\_\_\_

**Sent To:** Attorney General Mike Cox  
**Habeas Corpus Division**  
**P.O. Box 30212**  
**Lansing, MI 48909**

PS Form 3800, January 2001      See Reverse for Instructions

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

1807 5554 0007 0000 1940 7002 1940 1807

**OFFICIAL USE**

Postage	\$ _____	Postmark Here
Certified Fee	_____	
Return Receipt Fee (Endorsement Required)	_____	
Restricted Delivery Fee (Endorsement Required)	_____	

**Total Postage & Fees** \$ \_\_\_\_\_

**Sent To:** Macomb Correctional Facility  
**34625 26 Mile Road**  
**St. Apt. No. Lenox, MI 48048**

PS Form 3800, January 2001      See Reverse for Instructions